

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. GREEN OF TENNESSEE

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Border Reinforcement Act of 2023”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Border wall construction.
- Sec. 4. Strengthening the requirements for barriers along the southern border.
- Sec. 5. Border and port security technology investment plan.
- Sec. 6. Border security technology program management.
- Sec. 7. U.S. Customs and Border Protection technology upgrades.
- Sec. 8. U.S. Customs and Border Protection personnel.
- Sec. 9. Anti-Border Corruption Act reauthorization.
- Sec. 10. Establishment of workload staffing models for U.S. Border Patrol and
Air and Marine Operations of CBP.
- Sec. 11. Operation Stonegarden.
- Sec. 12. Air and Marine Operations flight hours.
- Sec. 13. Eradication of carrizo cane and salt cedar.
- Sec. 14. Border patrol strategic plan.
- Sec. 15. U.S. Customs and Border Protection spiritual readiness.
- Sec. 16. Restrictions on funding.
- Sec. 17. Collection of DNA and biometric information at the border.
- Sec. 18. Eradication of narcotic drugs and formulating effective new tools to
address yearly losses of life; ensuring timely updates to U.S.
Customs and Border Protection field manuals.
- Sec. 19. Publication by U.S. Customs and Border Protection of operational sta-
tistics.
- Sec. 20. Alien criminal background checks.
- Sec. 21. Prohibited identification documents at airport security checkpoints; no-
tification to immigration agencies.
- Sec. 22. Prohibition against any COVID–19 vaccine mandate or adverse action
against DHS employees.

Sec. 23. CBP One app limitation.

Sec. 24. Report on designation of Mexican cartels as foreign terrorist organizations.

Sec. 25. GAO study on costs incurred by States to secure the southwest border.

Sec. 26. Report by Inspector General of the Department of Homeland Security.

Sec. 27. Offsetting authorizations of appropriations.

Sec. 28. Report to Congress on foreign terrorist organizations.

Sec. 29. Assessment by Inspector General of the Department of Homeland Security on the mitigation of unmanned aircraft systems at the southwest border.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CBP.—The term “CBP” means U.S. Cus-
4 toms and Border Protection.

5 (2) COMMISSIONER.—The term “Commis-
6 sioner” means the Commissioner of U.S. Customs
7 and Border Protection.

8 (3) DEPARTMENT.—The term “Department”
9 means the Department of Homeland Security.

10 (4) OPERATIONAL CONTROL.—The term “oper-
11 ational control” has the meaning given such term in
12 section 2(b) of the Secure Fence Act of 2006 (Public
13 Law 109–367; 8 U.S.C. 1701 note).

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of Homeland Security.

16 (6) SITUATIONAL AWARENESS.—The term “sit-
17 uational awareness” has the meaning given such
18 term in section 1092(a)(7) of the National Defense
19 Authorization Act for Fiscal Year 2017 (Public Law
20 114–328; 6 U.S.C. 223(a)(7)).

1 (7) UNMANNED AIRCRAFT SYSTEM.—The term
2 “unmanned aircraft system” has the meaning given
3 such term in section 44801 of title 49, United
4 States Code.

5 **SEC. 3. BORDER WALL CONSTRUCTION.**

6 (a) IN GENERAL.—

7 (1) IMMEDIATE RESUMPTION OF BORDER WALL
8 CONSTRUCTION.—Not later than seven days after
9 the date of the enactment of this section, the Sec-
10 retary shall resume all activities related to the con-
11 struction of the border wall along the international
12 border between the United States and Mexico that
13 were underway or being planned for prior to Janu-
14 ary 20, 2021.

15 (2) USE OF FUNDS.—To carry out this section,
16 the Secretary shall expend all unexpired funds ap-
17 propriated or explicitly obligated for the construction
18 of the border wall that were appropriated or obli-
19 gated, as the case may be, for use beginning on Oc-
20 tober 1, 2019.

21 (3) USE OF MATERIALS.—Any unused materials
22 purchased before the date of the enactment of this
23 section for construction of the border wall may be
24 used for activities related to the construction of the
25 border wall in accordance with paragraph (1).

1 (b) PLAN TO COMPLETE TACTICAL INFRASTRUC-
2 TURE AND TECHNOLOGY.—Not later than 90 days after
3 the date of the enactment of this section and annually
4 thereafter until construction of the border wall has been
5 completed, the Secretary shall submit to the appropriate
6 congressional committees an implementation plan, includ-
7 ing annual benchmarks for the construction of 200 miles
8 of such wall and associated cost estimates for satisfying
9 all requirements of the construction of the border wall,
10 including installation and deployment of tactical infra-
11 structure, technology, and other elements as identified by
12 the Department prior to January 20, 2021, through the
13 expenditure of funds appropriated or explicitly obligated,
14 as the case may be, for use, as well as any future funds
15 appropriated or otherwise made available by Congress.

16 (c) DEFINITIONS.—In this section:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means the Committee on Homeland Secu-
20 rity and the Committee on Appropriations of the
21 House of Representatives and the Committee on
22 Homeland Security and Governmental Affairs and
23 the Committee on Appropriations of the Senate.

24 (2) TACTICAL INFRASTRUCTURE.—The term
25 “tactical infrastructure” includes boat ramps, access

1 gates, checkpoints, lighting, and roads associated
2 with a border wall.

3 (3) TECHNOLOGY.—The term “technology” in-
4 cludes border surveillance and detection technology,
5 including linear ground detection systems, associated
6 with a border wall.

7 **SEC. 4. STRENGTHENING THE REQUIREMENTS FOR BAR-**
8 **RIERS ALONG THE SOUTHERN BORDER.**

9 Section 102 of the Illegal Immigration Reform and
10 Immigrant Responsibility Act of 1996 (Division C of Pub-
11 lic Law 104–208; 8 U.S.C. 1103 note) is amended—

12 (1) by amending subsection (a) to read as fol-
13 lows:

14 “(a) IN GENERAL.—The Secretary of Homeland Se-
15 curity shall take such actions as may be necessary (includ-
16 ing the removal of obstacles to detection of illegal en-
17 trants) to design, test, construct, install, deploy, integrate,
18 and operate physical barriers, tactical infrastructure, and
19 technology in the vicinity of the southwest border to
20 achieve situational awareness and operational control of
21 the southwest border and deter, impede, and detect unlaw-
22 ful activity.”;

23 (2) in subsection (b)—

1 (A) in the subsection heading, by striking
2 “FENCING AND ROAD IMPROVEMENTS” and in-
3 serting “PHYSICAL BARRIERS”;

4 (B) in paragraph (1)—

5 (i) in the heading, by striking “FENC-
6 ING” and inserting “BARRIERS”;

7 (ii) by amending subparagraph (A) to
8 read as follows:

9 “(A) REINFORCED BARRIERS.—In carrying
10 out this section, the Secretary of Homeland Se-
11 curity shall construct a border wall, including
12 physical barriers, tactical infrastructure, and
13 technology, along not fewer than 900 miles of
14 the southwest border until situational aware-
15 ness and operational control of the southwest
16 border is achieved.”;

17 (iii) by amending subparagraph (B) to
18 read as follows:

19 “(B) PHYSICAL BARRIERS AND TACTICAL
20 INFRASTRUCTURE.—In carrying out this sec-
21 tion, the Secretary of Homeland Security shall
22 deploy along the southwest border the most
23 practical and effective physical barriers, tactical
24 infrastructure, and technology available for

1 achieving situational awareness and operational
2 control of the southwest border.”;

3 (iv) in subparagraph (C)—

4 (I) by amending clause (i) to
5 read as follows:

6 “(i) IN GENERAL.—In carrying out
7 this section, the Secretary of Homeland
8 Security shall consult with the Secretary of
9 the Interior, the Secretary of Agriculture,
10 appropriate representatives of State, Trib-
11 al, and local governments, and appropriate
12 private property owners in the United
13 States to minimize the impact on natural
14 resources, commerce, and sites of historical
15 or cultural significance for the commu-
16 nities and residents located near the sites
17 at which physical barriers, tactical infra-
18 structure, and technology are to be con-
19 structed. Such consultation may not delay
20 such construction for longer than seven
21 days.”; and

22 (II) in clause (ii)—

23 (aa) in subclause (I), by
24 striking “or” after the semicolon
25 at the end;

1 (bb) by amending subclause

2 (II) to read as follows:

3 “(II) delay the transfer to the
4 United States of the possession of
5 property or affect the validity of any
6 property acquisition by the United
7 States by purchase or eminent do-
8 main, or to otherwise affect the emi-
9 nent domain laws of the United States
10 or of any State; or”; and

11 (cc) by adding at the end
12 the following new subclause:

13 “(III) create any right or liability
14 for any party.”; and

15 (v) by striking subparagraph (D);

16 (C) in paragraph (2)—

17 (i) by striking “Attorney General”
18 and inserting “Secretary of Homeland Se-
19 curity”;

20 (ii) by striking “this subsection” and
21 inserting “this section”; and

22 (iii) by striking “construction of
23 fences” and inserting “the construction of
24 physical barriers, tactical infrastructure,
25 and technology”;

1 (D) by amending paragraph (3) to read as
2 follows:

3 “(3) AGENT SAFETY.—In carrying out this sec-
4 tion, the Secretary of Homeland Security, when de-
5 signing, testing, constructing, installing, deploying,
6 integrating, and operating physical barriers, tactical
7 infrastructure, or technology, shall incorporate such
8 safety features into such design, test, construction,
9 installation, deployment, integration, or operation of
10 such physical barriers, tactical infrastructure, or
11 technology, as the case may be, that the Secretary
12 determines are necessary to maximize the safety and
13 effectiveness of officers and agents of the Depart-
14 ment of Homeland Security or of any other Federal
15 agency deployed in the vicinity of such physical bar-
16 riers, tactical infrastructure, or technology.”; and

17 (E) in paragraph (4), by striking “this
18 subsection” and inserting “this section”;

19 (3) in subsection (c)—

20 (A) by amending paragraph (1) to read as
21 follows:

22 “(1) IN GENERAL.—Notwithstanding any other
23 provision of law, the Secretary of Homeland Security
24 shall waive all legal requirements necessary to en-
25 sure the expeditious design, testing, construction, in-

1 stallation, deployment, integration, operation, and
2 maintenance of the physical barriers, tactical infra-
3 structure, and technology under this section. The
4 Secretary shall ensure the maintenance and effec-
5 tiveness of such physical barriers, tactical infrastruc-
6 ture, or technology. Any such action by the Sec-
7 retary shall be effective upon publication in the Fed-
8 eral Register.”;

9 (B) by redesignating paragraph (2) as
10 paragraph (3); and

11 (C) by inserting after paragraph (1) the
12 following new paragraph:

13 “(2) NOTIFICATION.—Not later than seven
14 days after the date on which the Secretary of Home-
15 land Security exercises a waiver pursuant to para-
16 graph (1), the Secretary shall notify the Committee
17 on Homeland Security of the House of Representa-
18 tives and the Committee on Homeland Security and
19 Governmental Affairs of the Senate of such waiver.”;
20 and

21 (4) by adding at the end the following new sub-
22 sections:

23 “(e) TECHNOLOGY.—In carrying out this section, the
24 Secretary of Homeland Security shall deploy along the
25 southwest border the most practical and effective tech-

1 nology available for achieving situational awareness and
2 operational control.

3 “(f) DEFINITIONS.—In this section:

4 “(1) ADVANCED UNATTENDED SURVEILLANCE
5 SENSORS.—The term ‘advanced unattended surveil-
6 lance sensors’ means sensors that utilize an onboard
7 computer to analyze detections in an effort to dis-
8 cern between vehicles, humans, and animals, and ul-
9 timately filter false positives prior to transmission.

10 “(3) OPERATIONAL CONTROL.—The term ‘oper-
11 ational control’ has the meaning given such term in
12 section 2(b) of the Secure Fence Act of 2006 (Public
13 Law 109–367; 8 U.S.C. 1701 note).

14 “(4) PHYSICAL BARRIERS.—The term ‘physical
15 barriers’ includes reinforced fencing, the border wall,
16 and levee walls.

17 “(5) SITUATIONAL AWARENESS.—The term ‘sit-
18 uational awareness’ has the meaning given such
19 term in section 1092(a)(7) of the National Defense
20 Authorization Act for Fiscal Year 2017 (Public Law
21 114–328; 6 U.S.C. 223(a)(7)).

22 “(6) TACTICAL INFRASTRUCTURE.—The term
23 ‘tactical infrastructure’ includes boat ramps, access
24 gates, checkpoints, lighting, and roads.

1 “(7) TECHNOLOGY.—The term ‘technology’ in-
2 cludes border surveillance and detection technology,
3 including the following:

4 “(A) Tower-based surveillance technology.

5 “(B) Deployable, lighter-than-air ground
6 surveillance equipment.

7 “(C) Vehicle and Dismount Exploitation
8 Radars (VADER).

9 “(D) 3-dimensional, seismic acoustic detec-
10 tion and ranging border tunneling detection
11 technology.

12 “(E) Advanced unattended surveillance
13 sensors.

14 “(F) Mobile vehicle-mounted and man-
15 portable surveillance capabilities.

16 “(G) Unmanned aircraft systems.

17 “(H) Tunnel detection systems and other
18 seismic technology.

19 “(I) Fiber-optic cable.

20 “(J) Other border detection, communica-
21 tion, and surveillance technology.

22 “(8) UNMANNED AIRCRAFT SYSTEM.—The term
23 ‘unmanned aircraft system’ has the meaning given
24 such term in section 44801 of title 49, United
25 States Code.”.

1 **SEC. 5. BORDER AND PORT SECURITY TECHNOLOGY IN-**
2 **VESTMENT PLAN.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this section, the Commissioner,
5 in consultation with covered officials and border and port
6 security technology stakeholders, shall submit to the ap-
7 propriate congressional committees a strategic 5-year
8 technology investment plan (in this section referred to as
9 the “plan”). The plan may include a classified annex, if
10 appropriate.

11 (b) CONTENTS OF PLAN.—The plan shall include the
12 following:

13 (1) An analysis of security risks at and between
14 ports of entry along the northern and southern bor-
15 ders of the United States.

16 (2) An identification of capability gaps with re-
17 spect to security at and between such ports of entry
18 to be mitigated in order to—

19 (A) prevent terrorists and instruments of
20 terror from entering the United States;

21 (B) combat and reduce cross-border crimi-
22 nal activity, including—

23 (i) the transport of illegal goods, such
24 as illicit drugs; and

25 (ii) human smuggling and human
26 trafficking; and

1 (C) facilitate the flow of legal trade across
2 the southwest border.

3 (3) An analysis of current and forecast trends
4 relating to the number of aliens who—

5 (A) unlawfully entered the United States
6 by crossing the northern or southern border of
7 the United States; or

8 (B) are unlawfully present in the United
9 States.

10 (4) A description of security-related technology
11 acquisitions, to be listed in order of priority, to ad-
12 dress the security risks and capability gaps analyzed
13 and identified pursuant to paragraphs (1) and (2),
14 respectively.

15 (5) A description of each planned security-re-
16 lated technology program, including objectives, goals,
17 and timelines for each such program.

18 (6) An identification of each deployed security-
19 related technology that is at or near the end of the
20 life cycle of such technology.

21 (7) A description of the test, evaluation, mod-
22 eling, and simulation capabilities, including target
23 methodologies, rationales, and timelines, necessary
24 to support the acquisition of security-related tech-
25 nologies pursuant to paragraph (4).

1 (8) An identification and assessment of ways to
2 increase opportunities for communication and col-
3 laboration with the private sector, small and dis-
4 advantaged businesses, intragovernment entities,
5 university centers of excellence, and federal labora-
6 tories to ensure CBP is able to engage with the mar-
7 ket for security-related technologies that are avail-
8 able to satisfy its mission needs before engaging in
9 an acquisition of a security-related technology.

10 (9) An assessment of the management of
11 planned security-related technology programs by the
12 acquisition workforce of CBP.

13 (10) An identification of ways to leverage al-
14 ready-existing acquisition expertise within the Fed-
15 eral Government.

16 (11) A description of the security resources, in-
17 cluding information security resources, required to
18 protect security-related technology from physical or
19 cyber theft, diversion, sabotage, or attack.

20 (12) A description of initiatives to—

21 (A) streamline the acquisition process of
22 CBP; and

23 (B) provide to the private sector greater
24 predictability and transparency with respect to
25 such process, including information relating to

1 the timeline for testing and evaluation of secu-
2 rity-related technology.

3 (13) An assessment of the privacy and security
4 impact on border communities of security-related
5 technology.

6 (14) In the case of a new acquisition leading to
7 the removal of equipment from a port of entry along
8 the northern or southern border of the United
9 States, a strategy to consult with the private sector
10 and community stakeholders affected by such re-
11 moval.

12 (15) A strategy to consult with the private sec-
13 tor and community stakeholders with respect to se-
14 curity impacts at a port of entry described in para-
15 graph (14).

16 (16) An identification of recent technological
17 advancements in the following:

18 (A) Manned aircraft sensor, communica-
19 tion, and common operating picture technology.

20 (B) Unmanned aerial systems and related
21 technology, including counter-unmanned aerial
22 system technology.

23 (C) Surveillance technology, including the
24 following:

25 (i) Mobile surveillance vehicles.

1 (ii) Associated electronics, including
2 cameras, sensor technology, and radar.

3 (iii) Tower-based surveillance tech-
4 nology.

5 (iv) Advanced unattended surveillance
6 sensors.

7 (v) Deployable, lighter-than-air,
8 ground surveillance equipment.

9 (D) Nonintrusive inspection technology, in-
10 cluding non-X-ray devices utilizing muon to-
11 mography and other advanced detection tech-
12 nology.

13 (E) Tunnel detection technology.

14 (F) Communications equipment, including
15 the following:

16 (i) Radios.

17 (ii) Long-term evolution broadband.

18 (iii) Miniature satellites.

19 (c) LEVERAGING THE PRIVATE SECTOR.—To the ex-
20 tent practicable, the plan shall—

21 (1) leverage emerging technological capabilities,
22 and research and development trends, within the
23 public and private sectors;

24 (2) incorporate input from the private sector,
25 including from border and port security stake-

1 holders, through requests for information, industry
2 day events, and other innovative means consistent
3 with the Federal Acquisition Regulation; and

4 (3) identify security-related technologies that
5 are in development or deployed, with or without ad-
6 aptation, that may satisfy the mission needs of CBP.

7 (d) FORM.—To the extent practicable, the plan shall
8 be published in unclassified form on the website of the
9 Department.

10 (e) DISCLOSURE.—The plan shall include an identi-
11 fication of individuals not employed by the Federal Gov-
12 ernment, and their professional affiliations, who contrib-
13 uted to the development of the plan.

14 (f) UPDATE AND REPORT.—Not later than the date
15 that is two years after the date on which the plan is sub-
16 mitted to the appropriate congressional committees pursu-
17 ant to subsection (a) and biennially thereafter for ten
18 years, the Commissioner shall submit to the appropriate
19 congressional committees—

20 (1) an update of the plan, if appropriate; and

21 (2) a report that includes—

22 (A) the extent to which each security-re-
23 lated technology acquired by CBP since the ini-
24 tial submission of the plan or most recent up-
25 date of the plan, as the case may be, is con-

1 sistent with the planned technology programs
2 and projects described pursuant to subsection
3 (b)(5); and

4 (B) the type of contract and the reason for
5 acquiring each such security-related technology.

6 (g) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Homeland Security
11 and the Committee on Appropriations of the
12 House of Representatives; and

13 (B) the Committee on Homeland Security
14 and Governmental Affairs and the Committee
15 on Appropriations of the Senate.

16 (2) COVERED OFFICIALS.—The term “covered
17 officials” means—

18 (A) the Under Secretary for Management
19 of the Department;

20 (B) the Under Secretary for Science and
21 Technology of the Department; and

22 (C) the Chief Information Officer of the
23 Department.

24 (3) UNLAWFULLY PRESENT.—The term “un-
25 lawfully present” has the meaning provided such

1 term in section 212(a)(9)(B)(ii) of the Immigration
2 and Nationality Act (8 U.S.C. 1182(a)(9)(B)(ii)).

3 **SEC. 6. BORDER SECURITY TECHNOLOGY PROGRAM MAN-**
4 **AGEMENT.**

5 (a) IN GENERAL.—Subtitle C of title IV of the
6 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
7 is amended by adding at the end the following new section:

8 **“SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM**
9 **MANAGEMENT.**

10 “(a) MAJOR ACQUISITION PROGRAM DEFINED.—In
11 this section, the term ‘major acquisition program’ means
12 an acquisition program of the Department that is esti-
13 mated by the Secretary to require an eventual total ex-
14 penditure of at least \$100,000,000 (based on fiscal year
15 2023 constant dollars) over its life-cycle cost.

16 “(b) PLANNING DOCUMENTATION.—For each border
17 security technology acquisition program of the Depart-
18 ment that is determined to be a major acquisition pro-
19 gram, the Secretary shall—

20 “(1) ensure that each such program has a writ-
21 ten acquisition program baseline approved by the
22 relevant acquisition decision authority;

23 “(2) document that each such program is satis-
24 fying cost, schedule, and performance thresholds as
25 specified in such baseline, in compliance with rel-

1 evant departmental acquisition policies and the Fed-
2 eral Acquisition Regulation; and

3 “(3) have a plan for satisfying program imple-
4 mentation objectives by managing contractor per-
5 formance.

6 “(c) ADHERENCE TO STANDARDS.—The Secretary,
7 acting through the Under Secretary for Management and
8 the Commissioner of U.S. Customs and Border Protection,
9 shall ensure border security technology acquisition pro-
10 gram managers who are responsible for carrying out this
11 section adhere to relevant internal control standards iden-
12 tified by the Comptroller General of the United States.
13 The Commissioner shall provide information, as needed,
14 to assist the Under Secretary in monitoring management
15 of border security technology acquisition programs under
16 this section.

17 “(d) PLAN.—The Secretary, acting through the
18 Under Secretary for Management, in coordination with
19 the Under Secretary for Science and Technology and the
20 Commissioner of U.S. Customs and Border Protection,
21 shall submit to the Committee on Homeland Security of
22 the House of Representatives and the Committee on
23 Homeland Security and Governmental Affairs of the Sen-
24 ate a plan for testing, evaluating, and using independent
25 verification and validation of resources relating to the pro-

1 posed acquisition of border security technology. Under
2 such plan, the proposed acquisition of new border security
3 technologies shall be evaluated through a series of assess-
4 ments, processes, and audits to ensure—

5 “(1) compliance with relevant departmental ac-
6 quisition policies and the Federal Acquisition Regu-
7 lation; and

8 “(2) the effective use of taxpayer dollars.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 in section 1(b) of the Homeland Security Act of 2002 is
11 amended by inserting after the item relating to section
12 436 the following new item:

“Sec. 437. Border security technology program management.”.

13 (c) PROHIBITION ON ADDITIONAL AUTHORIZATION
14 OF APPROPRIATIONS.—No additional funds are author-
15 ized to be appropriated to carry out section 437 of the
16 Homeland Security Act of 2002, as added by subsection
17 (a).

18 **SEC. 7. U.S. CUSTOMS AND BORDER PROTECTION TECH-**
19 **NOLOGY UPGRADES.**

20 (a) SECURE COMMUNICATIONS.—The Commissioner
21 shall ensure that each CBP officer or agent, as appro-
22 priate, is equipped with a secure radio or other two-way
23 communication device that allows each such officer or
24 agent to communicate—

1 (1) between ports of entry and inspection sta-
2 tions; and

3 (2) with other Federal, State, Tribal, and local
4 law enforcement entities.

5 (b) BORDER SECURITY DEPLOYMENT PROGRAM.—

6 (1) EXPANSION.—Not later than September 30,
7 2025, the Commissioner shall—

8 (A) fully implement the Border Security
9 Deployment Program of CBP; and

10 (B) expand the integrated surveillance and
11 intrusion detection system at land ports of
12 entry along the northern and southern borders
13 of the United States.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—In
15 addition to amounts otherwise authorized to be ap-
16 propriated for such purpose, there is authorized to
17 be appropriated \$33,000,000 for fiscal years 2024
18 and 2025 to carry out paragraph (1).

19 (c) UPGRADE OF LICENSE PLATE READERS AT
20 PORTS OF ENTRY.—

21 (1) UPGRADE.—Not later than two years after
22 the date of the enactment of this section, the Com-
23 missioner shall upgrade all existing license plate
24 readers in need of upgrade, as determined by the

1 Commissioner, on the northern and southern borders
2 of the United States.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—In
4 addition to amounts otherwise authorized to be ap-
5 propriated for such purpose, there is authorized to
6 be appropriated \$125,000,000 for fiscal years 2023
7 and 2024 to carry out paragraph (1).

8 **SEC. 8. U.S. CUSTOMS AND BORDER PROTECTION PER-**
9 **SONNEL.**

10 (a) RETENTION BONUS.—To carry out this section,
11 there is authorized to be appropriated up to \$100,000,000
12 to the Commissioner to provide a retention bonus to any
13 front-line U.S. Border Patrol law enforcement agent—

14 (1) whose position is equal to or below level GS-
15 12 of the General Schedule;

16 (2) who has five years or more of service with
17 the U.S. Border Patrol; and

18 (3) who commits to two years of additional
19 service with the U.S. Border Patrol upon acceptance
20 of such bonus.

21 (b) BORDER PATROL AGENTS.—Not later than Sep-
22 tember 30, 2025, the Commissioner shall hire, train, and
23 assign a sufficient number of Border Patrol agents to
24 maintain an active duty presence of not fewer than 22,000

1 full-time equivalent Border Patrol agents, who may not
2 perform the duties of processing coordinators.

3 (c) PROHIBITION AGAINST ALIEN TRAVEL.—No per-
4 sonnel or equipment of Air and Marine Operations may
5 be used for the transportation of non-detained aliens, or
6 detained aliens expected to be administratively released
7 upon arrival, from the southwest border to destinations
8 within the United States.

9 (d) GAO REPORT.—If the staffing level required
10 under this section is not achieved by the date associated
11 with such level, the Comptroller General of the United
12 States shall—

13 (1) conduct a review of the reasons why such
14 level was not so achieved; and

15 (2) not later than September 30, 2027, publish
16 on a publicly available website of the Government
17 Accountability Office a report relating thereto.

18 **SEC. 9. ANTI-BORDER CORRUPTION ACT REAUTHORIZA-**
19 **TION.**

20 (a) HIRING FLEXIBILITY.—Section 3 of the Anti-
21 Border Corruption Act of 2010 (6 U.S.C. 221; Public Law
22 111–376) is amended by striking subsection (b) and in-
23 serting the following new subsections:

1 “(b) WAIVER REQUIREMENT.—Subject to subsection
2 (c), the Commissioner of U.S. Customs and Border Pro-
3 tection shall waive the application of subsection (a)(1)—

4 “(1) to a current, full-time law enforcement of-
5 ficer employed by a State or local law enforcement
6 agency who—

7 “(A) has continuously served as a law en-
8 forcement officer for not fewer than three
9 years;

10 “(B) is authorized by law to engage in or
11 supervise the prevention, detection, investiga-
12 tion, or prosecution of, or the incarceration of
13 any person for, any violation of law, and has
14 statutory powers for arrest or apprehension;
15 and

16 “(C) is not currently under investigation,
17 has not been found to have engaged in criminal
18 activity or serious misconduct, has not resigned
19 from a law enforcement officer position under
20 investigation or in lieu of termination, and has
21 not been dismissed from a law enforcement offi-
22 cer position;

23 “(2) to a current, full-time Federal law enforce-
24 ment officer who—

1 “(A) has continuously served as a law en-
2 forcement officer for not fewer than three
3 years;

4 “(B) is authorized to make arrests, con-
5 duct investigations, conduct searches, make sei-
6 zures, carry firearms, and serve orders, war-
7 rants, and other processes;

8 “(C) is not currently under investigation,
9 has not been found to have engaged in criminal
10 activity or serious misconduct, has not resigned
11 from a law enforcement officer position under
12 investigation or in lieu of termination, and has
13 not been dismissed from a law enforcement offi-
14 cer position; and

15 “(D) holds a current Tier 4 background
16 investigation or current Tier 5 background in-
17 vestigation; or

18 “(3) to a member of the Armed Forces (or a re-
19 serve component thereof) or a veteran, if such indi-
20 vidual—

21 “(A) has served in the Armed Forces for
22 not fewer than three years;

23 “(B) holds, or has held within the past five
24 years, a Secret, Top Secret, or Top Secret/Sen-
25 sitive Compartmented Information clearance;

1 “(C) holds, or has undergone within the
2 past five years, a current Tier 4 background in-
3 vestigation or current Tier 5 background inves-
4 tigation;

5 “(D) received, or is eligible to receive, an
6 honorably discharge from service in the Armed
7 Forces and has not engaged in criminal activity
8 or committed a serious military or civil offense
9 under the Uniform Code of Military Justice;
10 and

11 “(E) was not granted any waivers to ob-
12 tain the clearance referred to in subparagraph
13 (B).

14 “(c) TERMINATION OF WAIVER REQUIREMENT;
15 SNAP-BACK.—The requirement to issue a waiver under
16 subsection (b) shall terminate if the Commissioner of U.S.
17 Customs and Border Protection (CBP) certifies to the
18 Committee on Homeland Security of the House of Rep-
19 resentatives and the Committee on Homeland Security
20 and Governmental Affairs of the Senate that CBP has met
21 all requirements pursuant to section 8 of the Border Rein-
22 forcement Act of 2023 relating to personnel levels. If at
23 any time after such certification personnel levels fall below
24 such requirements, the Commissioner shall waive the ap-
25 plication of subsection (a)(1) until such time as the Com-

1 missioner re-certifies to such Committees that CBP has
2 so met all such requirements.”.

3 (b) SUPPLEMENTAL COMMISSIONER AUTHORITY;
4 REPORTING; DEFINITIONS.—The Anti-Border Corruption
5 Act of 2010 is amended by adding at the end the following
6 new sections:

7 **“SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.**

8 “(a) NONEXEMPTION.—An individual who receives a
9 waiver under section 3(b) is not exempt from any other
10 hiring requirements relating to suitability for employment
11 and eligibility to hold a national security designated posi-
12 tion, as determined by the Commissioner of U.S. Customs
13 and Border Protection.

14 “(b) BACKGROUND INVESTIGATIONS.—An individual
15 who receives a waiver under section 3(b) who holds a cur-
16 rent Tier 4 background investigation shall be subject to
17 a Tier 5 background investigation.

18 “(c) ADMINISTRATION OF POLYGRAPH EXAMINA-
19 TION.—The Commissioner of U.S. Customs and Border
20 Protection is authorized to administer a polygraph exam-
21 ination to an applicant or employee who is eligible for or
22 receives a waiver under section 3(b) if information is dis-
23 covered before the completion of a background investiga-
24 tion that results in a determination that a polygraph ex-
25 amination is necessary to make a final determination re-

1 garding suitability for employment or continued employ-
2 ment, as the case may be.

3 **“SEC. 6. REPORTING.**

4 “(a) ANNUAL REPORT.—Not later than one year
5 after the date of the enactment of this section and annu-
6 ally thereafter while the waiver authority under section
7 3(b) is in effect, the Commissioner of U.S. Customs and
8 Border Protection shall submit to Congress a report that
9 includes, with respect to each such reporting period, the
10 following:

11 “(1) Information relating to the number of
12 waivers granted under such section 3(b).

13 “(2) Information relating to the percentage of
14 applicants who were hired after receiving such a
15 waiver.

16 “(3) Information relating to the number of in-
17 stances that a polygraph was administered to an ap-
18 plicant who initially received such a waiver and the
19 results of such polygraph.

20 “(4) An assessment of the current impact of
21 such waiver authority on filling law enforcement po-
22 sitions at U.S. Customs and Border Protection.

23 “(5) An identification of additional authorities
24 needed by U.S. Customs and Border Protection to

1 better utilize such waiver authority for its intended
2 goals.

3 “(b) ADDITIONAL INFORMATION.—The first report
4 submitted under subsection (a) shall include the following:

5 “(1) An analysis of other methods of employ-
6 ment suitability tests that detect deception and could
7 be used in conjunction with traditional background
8 investigations to evaluate potential applicants or em-
9 ployees for suitability for employment or continued
10 employment, as the case may be.

11 “(2) A recommendation regarding whether a
12 test referred to in paragraph (1) should be adopted
13 by U.S. Customs and Border Protection when the
14 polygraph examination requirement is waived pursu-
15 ant to section 3(b).

16 **“SEC. 7. DEFINITIONS.**

17 “In this Act:

18 “(1) FEDERAL LAW ENFORCEMENT OFFICER.—
19 The term ‘Federal law enforcement officer’ means a
20 ‘law enforcement officer’, as such term is defined in
21 section 8331(20) or 8401(17) of title 5, United
22 States Code.

23 “(2) SERIOUS MILITARY OR CIVIL OFFENSE.—
24 The term ‘serious military or civil offense’ means an
25 offense for which—

1 “(A) a member of the Armed Forces may
2 be discharged or separated from service in the
3 Armed Forces; and

4 “(B) a punitive discharge is, or would be,
5 authorized for the same or a closely related of-
6 fense under the Manual for Court-Martial, as
7 pursuant to Army Regulation 635–200, chapter
8 14–12.

9 “(3) TIER 4; TIER 5.—The terms ‘Tier 4’ and
10 ‘Tier 5’, with respect to background investigations,
11 have the meaning given such terms under the 2012
12 Federal Investigative Standards.

13 “(4) VETERAN.—The term ‘veteran’ has the
14 meaning given such term in section 101(2) of title
15 38, United States Code.”.

16 (c) POLYGRAPH EXAMINERS.—Not later than Sep-
17 tember 30, 2025, the Secretary shall increase to not fewer
18 than 150 the number of trained full-time equivalent poly-
19 graph examiners for administering polygraphs under the
20 Anti-Border Corruption Act of 2010, as amended by this
21 section.

1 **SEC. 10. ESTABLISHMENT OF WORKLOAD STAFFING MOD-**
2 **ELS FOR U.S. BORDER PATROL AND AIR AND**
3 **MARINE OPERATIONS OF CBP.**

4 (a) IN GENERAL.—Not later than one year after the
5 date of the enactment of this Act, the Commissioner, in
6 coordination with the Under Secretary for Management,
7 the Chief Human Capital Officer, and the Chief Financial
8 Officer of the Department, shall implement a workload
9 staffing model for each of the following:

10 (1) The U.S. Border Patrol.

11 (2) Air and Marine Operations of CBP.

12 (b) RESPONSIBILITIES OF THE COMMISSIONER.—
13 Subsection (c) of section 411 of the Homeland Security
14 Act of 2002 (6 U.S.C. 211), is amended—

15 (1) by redesignating paragraphs (18) and (19)
16 as paragraphs (20) and (21), respectively; and

17 (2) by inserting after paragraph (17) the fol-
18 lowing new paragraphs:

19 “(18) implement a staffing model for the U.S.
20 Border Patrol, Air and Marine Operations, and the
21 Office of Field Operations that includes consider-
22 ation for essential frontline operator activities and
23 functions, variations in operating environments,
24 present and planned infrastructure, present and
25 planned technology, and required operations support
26 levels to enable such entities to manage and assign

1 personnel of such entities to ensure field and sup-
2 port posts possess adequate resources to carry out
3 duties specified in this section;

4 “(19) develop standard operating procedures
5 for a workforce tracking system within the U.S.
6 Border Patrol, Air and Marine Operations, and the
7 Office of Field Operations, train the workforce of
8 each of such entities on the use, capabilities, and
9 purpose of such system, and implement internal con-
10 trols to ensure timely and accurate scheduling and
11 reporting of actual completed work hours and activi-
12 ties;”.

13 (c) REPORT.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of the enactment of this section with
16 respect to subsection (a) and paragraphs (18) and
17 (19) of section 411(c) of the Homeland Security Act
18 of 2002 (as amended by subsection (b)), and annu-
19 ally thereafter with respect to such paragraphs (18)
20 and (19), the Secretary shall submit to the appro-
21 priate congressional committees a report that in-
22 cludes a status update on the following:

23 (A) The implementation of such subsection
24 (a) and such paragraphs (18) and (19).

25 (B) Each relevant workload staffing model.

1 (2) DATA SOURCES AND METHODOLOGY RE-
2 QUIRED.—Each report required under paragraph (1)
3 shall include information relating to the data sources
4 and methodology used to generate each relevant
5 staffing model.

6 (d) INSPECTOR GENERAL REVIEW.—Not later than
7 90 days after the Commissioner develops the workload
8 staffing models pursuant to subsection (a), the Inspector
9 General of the Department shall review such models and
10 provide feedback to the Secretary and the appropriate con-
11 gressional committees with respect to the degree to which
12 such models are responsive to the recommendations of the
13 Inspector General, including the following:

14 (1) Recommendations from the Inspector Gen-
15 eral’s February 2019 audit.

16 (2) Any further recommendations to improve
17 such models.

18 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
19 FINED.—In this section, the term “appropriate congres-
20 sional committees” means—

21 (1) the Committee on Homeland Security of the
22 House of Representatives; and

23 (2) the Committee on Homeland Security and
24 Governmental Affairs of the Senate.

1 **SEC. 11. OPERATION STONEGARDEN.**

2 (a) IN GENERAL.—Subtitle A of title XX of the
3 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.)
4 is amended by adding at the end the following new section:

5 **“SEC. 2010. OPERATION STONEGARDEN.**

6 “(a) ESTABLISHMENT.—There is established in the
7 Department a program to be known as ‘Operation
8 Stonegarden’, under which the Secretary, acting through
9 the Administrator, shall make grants to eligible law en-
10 forcement agencies, through State administrative agen-
11 cies, to enhance border security in accordance with this
12 section.

13 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-
14 ceive a grant under this section, a law enforcement agency
15 shall—

16 “(1) be located in—

17 “(A) a State bordering Canada or Mexico;

18 or

19 “(B) a State or territory with a maritime
20 border;

21 “(2) be involved in an active, ongoing, U.S.
22 Customs and Border Protection operation coordi-
23 nated through a U.S. Border Patrol sector office;
24 and

1 “(3) have an agreement in place with U.S. Im-
2 migration and Customs Enforcement to support en-
3 forcement operations.

4 “(c) PERMITTED USES.—A recipient of a grant
5 under this section may use such grant for costs associated
6 with the following:

7 “(1) Equipment, including maintenance and
8 sustainment.

9 “(2) Personnel, including overtime and backfill,
10 in support of enhanced border law enforcement ac-
11 tivities.

12 “(3) Any activity permitted for Operation
13 Stonegarden under the most recent fiscal year De-
14 partment of Homeland Security’s Homeland Secu-
15 rity Grant Program Notice of Funding Opportunity.

16 “(d) PERIOD OF PERFORMANCE.—The Secretary
17 shall award grants under this section to grant recipients
18 for a period of not fewer than 36 months.

19 “(e) NOTIFICATION.—Upon denial of a grant to a law
20 enforcement agency, the Administrator shall provide writ-
21 ten notice to the Committee on Homeland Security of the
22 House of Representatives and the Committee on Home-
23 land Security and Governmental Affairs of the Senate, in-
24 cluding the reasoning for such denial.

1 “(f) REPORT.—For each of fiscal years 2024 through
2 2028 the Administrator shall submit to the Committee on
3 Homeland Security of the House of Representatives and
4 the Committee on Homeland Security and Governmental
5 Affairs of the Senate a report that contains—

6 “(1) information on the expenditure of grants
7 made under this section by each grant recipient; and

8 “(2) recommendations for other uses of such
9 grants to further support eligible law enforcement
10 agencies.

11 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated \$110,000,000 for each
13 of fiscal years 2024 through 2028 for grants under this
14 section.”.

15 (b) CONFORMING AMENDMENT.—Subsection (a) of
16 section 2002 of the Homeland Security Act of 2002 (6
17 U.S.C. 603) is amended to read as follows:

18 “(a) GRANTS AUTHORIZED.—The Secretary, through
19 the Administrator, may award grants under sections 2003,
20 2004, 2009, and 2010 to State, local, and Tribal govern-
21 ments, as appropriate.”.

22 (c) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002 is
24 amended by inserting after the item relating to section
25 2009 the following new item:

“Sec. 2010. Operation Stonegarden.”.

1 **SEC. 12. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

2 (a) AIR AND MARINE OPERATIONS FLIGHT
3 HOURS.—Not later than 120 days after the date of enact-
4 ment of this Act, the Secretary shall ensure that not fewer
5 than 110,000 annual flight hours are carried out by Air
6 and Marine Operations of CBP.

7 (b) UNMANNED AIRCRAFT SYSTEMS.—The Sec-
8 retary, after coordination with the Administrator of the
9 Federal Aviation Administration, shall ensure that Air and
10 Marine Operations operate unmanned aircraft systems on
11 the southern border of the United States for not less than
12 24 hours per day.

13 (c) PRIMARY MISSIONS.—The Commissioner shall
14 ensure the following:

15 (1) The primary missions for Air and Marine
16 Operations are to directly support the following:

17 (A) U.S. Border Patrol activities along the
18 borders of the United States.

19 (B) Joint Interagency Task Force South
20 and Joint Task Force East operations in the
21 transit zone.

22 (2) The Executive Assistant Commissioner of
23 Air and Marine Operations assigns the greatest pri-
24 ority to support missions specified in paragraph (1).

25 (d) HIGH DEMAND FLIGHT HOUR REQUIRE-
26 MENTS.—The Commissioner shall—

1 (1) ensure that U.S. Border Patrol Sector
2 Chiefs identify air support mission-critical hours;
3 and

4 (2) direct Air and Marine Operations to sup-
5 port requests from such Sector Chiefs as a compo-
6 nent of the primary mission of Air and Marine Op-
7 erations in accordance with subsection (c)(1)(A).

8 (e) CONTRACT AIR SUPPORT AUTHORIZATIONS.—
9 The Commissioner shall contract for air support mission-
10 critical hours to meet the requests for such hours, as iden-
11 tified pursuant to subsection (d).

12 (f) SMALL UNMANNED AIRCRAFT SYSTEMS.—

13 (1) IN GENERAL.—The Chief of the U.S. Bor-
14 der Patrol shall be the executive agent with respect
15 to the use of small unmanned aircraft by CBP for
16 the purposes of the following:

17 (A) Meeting the unmet flight hour oper-
18 ational requirements of the U.S. Border Patrol.

19 (B) Achieving situational awareness and
20 operational control of the borders of the United
21 States.

22 (2) COORDINATION.—In carrying out para-
23 graph (1), the Chief of the U.S. Border Patrol shall
24 coordinate—

1 (A) flight operations with the Adminis-
2 trator of the Federal Aviation Administration to
3 ensure the safe and efficient operation of the
4 national airspace system; and

5 (B) with the Executive Assistant Commis-
6 sioner for Air and Marine Operations of CBP
7 to—

8 (i) ensure the safety of other CBP
9 aircraft flying in the vicinity of small un-
10 manned aircraft operated by the U.S. Bor-
11 der Patrol; and

12 (ii) establish a process to include data
13 from flight hours in the calculation of got
14 away statistics.

15 (3) CONFORMING AMENDMENT.—Paragraph (3)
16 of section 411(e) of the Homeland Security Act of
17 2002 (6 U.S.C. 211(e)) is amended—

18 (A) in subparagraph (B), by striking
19 “and” after the semicolon at the end;

20 (B) by redesignating subparagraph (C) as
21 subparagraph (D); and

22 (C) by inserting after subparagraph (B)
23 the following new subparagraph:

24 “(C) carry out the small unmanned air-
25 craft (as such term is defined in section 44801

1 of title 49, United States Code) requirements
2 pursuant to subsection (f) of section 12 of the
3 Border Reinforcement Act of 2023; and”.

4 (g) SAVINGS CLAUSE.—Nothing in this section may
5 be construed as conferring, transferring, or delegating to
6 the Secretary, the Commissioner, the Executive Assistant
7 Commissioner for Air and Marine Operations of CBP, or
8 the Chief of the U.S. Border Patrol any authority of the
9 Secretary of Transportation or the Administrator of the
10 Federal Aviation Administration relating to the use of air-
11 space or aviation safety.

12 (h) DEFINITIONS.—In this section:

13 (1) GOT AWAY.—The term “got away” has the
14 meaning given such term in section 1092(a)(3) of
15 the National Defense Authorization Act for Fiscal
16 Year 2017 (Public Law 114–328; 6 U.S.C.
17 223(a)(3)).

18 (2) TRANSIT ZONE.—The term “transit zone”
19 has the meaning given such term in section
20 1092(a)(8) of the National Defense Authorization
21 Act for Fiscal Year 2017 (Public Law 114–328; 6
22 U.S.C. 223(a)(8)).

1 **SEC. 13. ERADICATION OF CARRIZO CANE AND SALT**
2 **CEDAR.**

3 (a) IN GENERAL.—Not later than 30 days after the
4 date of the enactment of this Act, the Secretary, in coordi-
5 nation with the heads of relevant Federal, State, and local
6 agencies, shall hire contractors to begin eradicating the
7 carrizo cane plant and any salt cedar along the Rio
8 Grande River that impedes border security operations.
9 Such eradication shall be completed—

10 (1) by not later than September 30, 2027, ex-
11 cept for required maintenance; and

12 (2) in the most expeditious and cost-effective
13 manner possible to maintain clear fields of view.

14 (b) APPLICATION.—The waiver authority under sub-
15 section (c) of section 102 of the Illegal Immigration Re-
16 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
17 1103 note), as amended by section 4 of this Act, shall
18 apply to activities carried out pursuant to subsection (a).

19 (c) REPORT.—Not later than 180 days after the date
20 of the enactment of this Act, the Secretary shall submit
21 to the Committee on Homeland Security of the House of
22 Representatives and the Committee on Homeland Security
23 and Governmental Affairs of the Senate a strategic plan
24 to eradicate all carrizo cane plant and salt cedar along
25 the Rio Grande River that impedes border security oper-
26 ations by not later than September 30, 2027.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$7,000,000 for each of fis-
3 cal years 2024 through 2028 to the Secretary to carry
4 out this subsection.

5 **SEC. 14. BORDER PATROL STRATEGIC PLAN.**

6 (a) IN GENERAL.—Not later than one year after the
7 date of the enactment of this section and biennially there-
8 after, the Commissioner, acting through the Chief of the
9 U.S. Border Patrol, shall issue a Border Patrol Strategic
10 Plan (referred to in this section as the “plan”) to enhance
11 the security of the international borders of the United
12 States.

13 (b) ELEMENTS.—The plan shall include the fol-
14 lowing:

15 (1) A consideration of Border Patrol Capability
16 Gap Analysis reporting, Border Security Improve-
17 ment Plans, and any other strategic document au-
18 thored by the U.S. Border Patrol to address security
19 gaps between ports of entry, including efforts to
20 mitigate threats identified in such analyses, plans,
21 and documents.

22 (2) Information relating to the dissemination of
23 information relating to border security or border
24 threats with respect to the efforts of the Department
25 and other appropriate Federal agencies.

1 (3) Information relating to efforts by U.S. Bor-
2 der Patrol to—

3 (A) increase situational awareness, includ-
4 ing—

5 (i) surveillance capabilities, such as
6 capabilities developed or utilized by the
7 Department of Defense, and any appro-
8 priate technology determined to be excess
9 by the Department of Defense; and

10 (ii) the use of manned aircraft and
11 unmanned aircraft;

12 (B) detect and prevent terrorists and in-
13 struments of terrorism from entering the
14 United States;

15 (C) detect, interdict, and disrupt between
16 ports of entry aliens unlawfully present in the
17 United States;

18 (D) detect, interdict, and disrupt human
19 smuggling, human trafficking, drug trafficking,
20 and other illicit cross-border activity;

21 (E) focus intelligence collection to disrupt
22 transnational criminal organizations outside of
23 the international and maritime borders of the
24 United States; and

1 (F) ensure that any new border security
2 technology can be operationally integrated with
3 existing technologies in use by the Department.

4 (4) Information relating to initiatives of the De-
5 partment with respect to operational coordination,
6 including any relevant task forces of the Depart-
7 ment.

8 (5) Information gathered from the lessons
9 learned by the deployments of the National Guard to
10 the southern border of the United States.

11 (6) A description of cooperative agreements re-
12 lating to information sharing with State, local, Trib-
13 al, territorial, and other Federal law enforcement
14 agencies that have jurisdiction on the borders of the
15 United States.

16 (7) Information relating to border security in-
17 formation received from the following:

18 (A) State, local, Tribal, territorial, and
19 other Federal law enforcement agencies that
20 have jurisdiction on the borders of the United
21 States or in the maritime environment.

22 (B) Border community stakeholders, in-
23 cluding representatives from the following:

24 (i) Border agricultural and ranching
25 organizations.

1 (ii) Business and civic organizations.

2 (iii) Hospitals and rural clinics within
3 150 miles of the borders of the United
4 States.

5 (iv) Victims of crime committed by
6 aliens unlawfully present in the United
7 States.

8 (v) Victims impacted by drugs,
9 transnational criminal organizations, car-
10 tels, gangs, or other criminal activity.

11 (vi) Farmers, ranchers, and property
12 owners along the border.

13 (vii) Other individuals negatively im-
14 pacted by illegal immigration.

15 (8) Information relating to the staffing require-
16 ments with respect to border security for the De-
17 partment.

18 (9) A prioritized list of Department research
19 and development objectives to enhance the security
20 of the borders of the United States.

21 (10) An assessment of training programs, in-
22 cluding such programs relating to the following:

23 (A) Identifying and detecting fraudulent
24 documents.

1 (B) Understanding the scope of CBP en-
2 forcement authorities and appropriate use of
3 force policies.

4 (C) Screening, identifying, and addressing
5 vulnerable populations, such as children and
6 victims of human trafficking.

7 **SEC. 15. U.S. CUSTOMS AND BORDER PROTECTION SPIR-**
8 **ITUAL READINESS.**

9 Not later than one year after the enactment of this
10 Act and annually thereafter for five years, the Commis-
11 sioner shall submit to the Committee on Homeland Secu-
12 rity of the House of Representatives and the Committee
13 on Homeland Security and Governmental Affairs of the
14 Senate a report on the availability and usage of the assist-
15 ance of chaplains, prayer groups, houses of worship, and
16 other spiritual resources for members of CBP who identify
17 as religiously-affiliated and have attempted suicide, have
18 suicidal ideation, or are at risk of suicide, and metrics on
19 the impact such resources have in assisting religiously-af-
20 filiated members who have access to and utilize such re-
21 sources compared to religiously-affiliated members who do
22 not.

23 **SEC. 16. RESTRICTIONS ON FUNDING.**

24 (a) ARRIVING ALIENS.—No funds are authorized to
25 be appropriated to the Department to process the entry

1 into the United States of aliens arriving in between ports
2 of entry.

3 (b) RESTRICTION ON NONGOVERNMENTAL ORGANI-
4 ZATION SUPPORT FOR UNLAWFUL ACTIVITY.—No funds
5 are authorized to be appropriated to the Department for
6 disbursement to any nongovernmental organization that
7 facilitates or encourages unlawful activity, including un-
8 lawful entry, human trafficking, human smuggling, drug
9 trafficking, and drug smuggling.

10 (c) RESTRICTION ON NONGOVERNMENTAL ORGANI-
11 ZATION SUPPORT FOR ALIENS.—No funds are authorized
12 to be appropriated to the Department for disbursement
13 to any nongovernmental organization that provides serv-
14 ices for aliens who are entering or have entered the United
15 States, whether at or between ports of entry.

16 **SEC. 17. COLLECTION OF DNA AND BIOMETRIC INFORMA-**
17 **TION AT THE BORDER.**

18 Not later than 14 days after the date of the enact-
19 ment of this Act, the Secretary shall ensure and certify
20 to the Committee on Homeland Security of the House of
21 Representatives and the Committee on Homeland Security
22 and Governmental Affairs of the Senate that CBP is fully
23 compliant with Federal DNA and biometric collection re-
24 quirements at United States land borders.

1 **SEC. 18. ERADICATION OF NARCOTIC DRUGS AND FORMU-**
2 **LATING EFFECTIVE NEW TOOLS TO ADDRESS**
3 **YEARLY LOSSES OF LIFE; ENSURING TIMELY**
4 **UPDATES TO U.S. CUSTOMS AND BORDER**
5 **PROTECTION FIELD MANUALS.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, and not less frequently
8 than triennially thereafter, the Commissioner of U.S. Cus-
9 toms and Border Protection shall review and update, as
10 necessary, the current policies and manuals of the Office
11 of Field Operations related to inspections at ports of
12 entry, and the U.S. Border Patrol related to inspections
13 between ports of entry, to ensure the uniform implementa-
14 tion of inspection practices that will effectively respond to
15 technological and methodological changes designed to dis-
16 guise unlawful activity, such as the smuggling of drugs
17 and humans, along the border.

18 (b) REPORTING REQUIREMENT.—Not later than 90
19 days after each update required under subsection (a), the
20 Commissioner of U.S. Customs and Border Protection
21 shall submit to the Committee on Homeland Security and
22 the Committee on the Judiciary of the House of Rep-
23 resentatives and the Committee on Homeland Security
24 and Governmental Affairs and the Committee on the Judi-
25 ciary of the Senate a report that summarizes any policy
26 and manual changes pursuant to subsection (a).

1 **SEC. 19. PUBLICATION BY U.S. CUSTOMS AND BORDER PRO-**
2 **TECTION OF OPERATIONAL STATISTICS.**

3 (a) IN GENERAL.—Not later than the seventh day of
4 each month beginning with the second full month after
5 the date of the enactment of this Act, the Commissioner
6 of U.S. Customs and Border Protection shall publish on
7 a publicly available website of the Department of Home-
8 land Security information relating to the total number of
9 alien encounters and nationalities, unique alien encounters
10 and nationalities, gang affiliated apprehensions and na-
11 tionalities, drug seizures, alien encounters included in the
12 terrorist screening database and nationalities, arrests of
13 criminal aliens or individuals wanted by law enforcement
14 and nationalities, known got aways, encounters with de-
15 ceased aliens, and all other related or associated statistics
16 recorded by U.S. Customs and Border Protection during
17 the immediately preceding month. Each such publication
18 shall include the following:

- 19 (1) The aggregate such number, and such num-
20 ber disaggregated by geographic regions, of such re-
21 cordings and encounters, including specifications re-
22 lating to whether such recordings and encounters
23 were at the southwest, northern, or maritime border.
- 24 (2) An identification of the Office of Field Op-
25 erations field office, U.S. Border Patrol sector, or

1 Air and Marine Operations branch making each re-
2 cording or encounter.

3 (3) Information relating to whether each re-
4 cording or encounter of an alien was of a single
5 adult, an unaccompanied alien child, or an individual
6 in a family unit.

7 (4) Information relating to the processing dis-
8 position of each alien recording or encounter.

9 (5) Information relating to the nationality of
10 each alien who is the subject of each recording or
11 encounter.

12 (6) The total number of individuals included in
13 the terrorist screening database (as such term is de-
14 fined in section 2101 of the Homeland Security Act
15 of 2002 (6 U.S.C. 621)) who have repeatedly at-
16 tempted to cross unlawfully into the United States.

17 (7) The total number of individuals included in
18 the terrorist screening database who have been ap-
19 prehended, including information relating to whether
20 such individuals were released into the United States
21 or removed.

22 (b) EXCEPTIONS.—If the Commissioner of U.S. Cus-
23 toms and Border Protection in any month does not publish
24 the information required under subsection (a), or does not
25 publish such information by the date specified in such sub-

1 section, the Commissioner shall brief the Committee on
2 Homeland Security of the House of Representatives and
3 the Committee on Homeland Security and Governmental
4 Affairs of the Senate regarding the reason relating there-
5 to, as the case may be, by not later than the date that
6 is two business days after the tenth day of such month.

7 (c) DEFINITIONS.—In this section:

8 (1) ALIEN ENCOUNTERS.—The term “alien en-
9 counters” means aliens apprehended, determined in-
10 admissible, or processed for removal by U.S. Cus-
11 toms and Border Protection.

12 (2) GOT AWAY.—The term “got away” has the
13 meaning given such term in section 1092(a) of the
14 National Defense Authorization Act for Fiscal Year
15 2017 (6 U.S.C. 223(a)).

16 (3) TERRORIST SCREENING DATABASE.—The
17 term “terrorist screening database” has the meaning
18 given such term in section 2101 of the Homeland
19 Security Act of 2002 (6 U.S.C. 621).

20 (4) UNACCOMPANIED ALIEN CHILD.—The term
21 “unaccompanied alien child” has the meaning given
22 such term in section 462(g) of the Homeland Secu-
23 rity Act of 2002 (6 U.S.C. 279(g)).

1 **SEC. 20. ALIEN CRIMINAL BACKGROUND CHECKS.**

2 (a) IN GENERAL.—Not later than seven days after
3 the date of the enactment of this Act, the Commissioner
4 shall certify to the Committee on Homeland Security and
5 the Committee on the Judiciary of the House of Rep-
6 resentatives and the Committee on Homeland Security
7 and Governmental Affairs and the Committee on the Judi-
8 ciary of the Senate that CBP has real-time access to the
9 criminal history databases of all countries of origin and
10 transit for aliens encountered by CBP to perform criminal
11 history background checks for such aliens.

12 (b) STANDARDS.—The certification required under
13 subsection (a) shall also include a determination whether
14 the criminal history databases of a country are accurate,
15 up to date, digitized, searchable, and otherwise meet the
16 standards of the Federal Bureau of Investigation for
17 criminal history databases maintained by State and local
18 governments.

19 (c) CERTIFICATION.—The Secretary shall annually
20 submit to the Committee on Homeland Security and the
21 Committee on the Judiciary of the House of Representa-
22 tives and the Committee on Homeland Security and Gov-
23 ernmental Affairs and the Committee on the Judiciary of
24 the Senate a certification that each database referred to
25 in subsection (b) which the Secretary accessed or sought

1 to access pursuant to this section met the standards de-
2 scribed in subsection (b).

3 **SEC. 21. PROHIBITED IDENTIFICATION DOCUMENTS AT**
4 **AIRPORT SECURITY CHECKPOINTS; NOTIFI-**
5 **CATION TO IMMIGRATION AGENCIES.**

6 (a) IN GENERAL.—The Administrator may not ac-
7 cept as valid proof of identification a prohibited identifica-
8 tion document at an airport security checkpoint.

9 (b) NOTIFICATION TO IMMIGRATION AGENCIES.—If
10 an individual presents a prohibited identification docu-
11 ment to an officer of the Transportation Security Admin-
12 istration at an airport security checkpoint, the Adminis-
13 trator shall promptly notify the Director of U.S. Immigra-
14 tion and Customs Enforcement, the Director of U.S. Cus-
15 toms and Border Protection, and the head of the appro-
16 priate local law enforcement agency to determine whether
17 the individual is in violation of any term of release from
18 the custody of any such agency.

19 (c) ENTRY INTO STERILE AREAS.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), if an individual is found to be in violation
22 of any term of release under subsection (b), the Ad-
23 ministrator may not permit such individual to enter
24 a sterile area.

1 (2) EXCEPTION.—An individual presenting a
2 prohibited identification document under this section
3 may enter a sterile area if the individual—

4 (A) is leaving the United States for the
5 purposes of removal or deportation; or

6 (B) presents a covered identification docu-
7 ment.

8 (d) COLLECTION OF BIOMETRIC INFORMATION FROM
9 CERTAIN INDIVIDUALS SEEKING ENTRY INTO THE STER-
10 ILE AREA OF AN AIRPORT.—Beginning not later than 120
11 days after the date of the enactment of this Act, the Ad-
12 ministrators shall collect biometric information from an in-
13 dividual described in subsection (e) prior to authorizing
14 such individual to enter into a sterile area.

15 (e) INDIVIDUAL DESCRIBED.—An individual de-
16 scribed in this subsection is an individual who—

17 (1) is seeking entry into the sterile area of an
18 airport;

19 (2) does not present a covered identification
20 document; and

21 (3) the Administrator cannot verify is a na-
22 tional of the United States.

23 (f) PARTICIPATION IN IDENT.—Beginning not later
24 than 120 days after the date of the enactment of this Act,
25 the Administrator, in coordination with the Secretary,

1 shall submit biometric data collected under this section to
2 the Automated Biometric Identification System (IDENT).

3 (g) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Transpor-
6 tation Security Administration.

7 (2) BIOMETRIC INFORMATION.—The term “bio-
8 metric information” means any of the following:

9 (A) A fingerprint.

10 (B) A palm print.

11 (C) A photograph, including—

12 (i) a photograph of an individual’s
13 face for use with facial recognition tech-
14 nology; and

15 (ii) a photograph of any physical or
16 anatomical feature, such as a scar, skin
17 mark, or tattoo.

18 (D) A signature.

19 (E) A voice print.

20 (F) An iris image.

21 (3) COVERED IDENTIFICATION DOCUMENT.—

22 The term “covered identification document” means
23 any of the following, if the document is valid and
24 unexpired:

1 (A) A United States passport or passport
2 card.

3 (B) A biometrically secure card issued by
4 a trusted traveler program of the Department
5 of Homeland Security, including—

6 (i) Global Entry;

7 (ii) Nexus;

8 (iii) Secure Electronic Network for
9 Travelers Rapid Inspection (SENTRI);
10 and

11 (iv) Free and Secure Trade (FAST).

12 (C) An identification card issued by the
13 Department of Defense, including such a card
14 issued to a dependent.

15 (D) Any document required for admission
16 to the United States under section 211(a) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1181(a)).

19 (E) An enhanced driver's license issued by
20 a State.

21 (F) A photo identification card issued by a
22 federally recognized Indian Tribe.

23 (G) A personal identity verification creden-
24 tial issued in accordance with Homeland Secu-
25 rity Presidential Directive 12.

1 (H) A driver's license issued by a province
2 of Canada.

3 (I) A Secure Certificate of Indian Status
4 issued by the Government of Canada.

5 (J) A Transportation Worker Identifica-
6 tion Credential.

7 (K) A Merchant Mariner Credential issued
8 by the Coast Guard.

9 (L) A Veteran Health Identification Card
10 issued by the Department of Veterans Affairs.

11 (M) Any other document the Administrator
12 determines, pursuant to a rule making in ac-
13 cordance with section 553 of title 5, United
14 States Code, will satisfy the identity verification
15 procedures of the Transportation Security Ad-
16 ministration.

17 (4) IMMIGRATION LAWS.—The term “immigra-
18 tion laws” has the meaning given that term in sec-
19 tion 101 of the Immigration and Nationality Act (8
20 U.S.C. 1101).

21 (5) PROHIBITED IDENTIFICATION DOCU-
22 MENT.—The term “prohibited identification docu-
23 ment” means any of the following (or any applicable
24 successor form):

1 (A) U.S. Immigration and Customs En-
2 forcement Form I-200, Warrant for Arrest of
3 Alien.

4 (B) U.S. Immigration and Customs En-
5 forcement Form I-205, Warrant of Removal/
6 Deportation.

7 (C) U.S. Immigration and Customs En-
8 forcement Form I-220A, Order of Release on
9 Recognizance.

10 (D) U.S. Immigration and Customs En-
11 forcement Form I-220B, Order of Supervision.

12 (E) Department of Homeland Security
13 Form I-862, Notice to Appear.

14 (F) U.S. Customs and Border Protection
15 Form I-94, Arrival/Departure Record (includ-
16 ing a print-out of an electronic record).

17 (G) Department of Homeland Security
18 Form I-385, Notice to Report.

19 (H) Any document that directs an indi-
20 vidual to report to the Department of Home-
21 land Security.

22 (I) Any Department of Homeland Security
23 work authorization or employment verification
24 document.

1 (6) STERILE AREA.—The term “sterile area”
2 has the meaning given that term in section 1540.5
3 of title 49, Code of Federal Regulations, or any suc-
4 cessor regulation.

5 **SEC. 22. PROHIBITION AGAINST ANY COVID-19 VACCINE**
6 **MANDATE OR ADVERSE ACTION AGAINST**
7 **DHS EMPLOYEES.**

8 (a) LIMITATION ON IMPOSITION OF NEW MAN-
9 DATE.—The Secretary may not issue any COVID-19 vac-
10 cine mandate unless Congress expressly authorizes such
11 a mandate.

12 (b) PROHIBITION ON ADVERSE ACTION.—The Sec-
13 retary may not take any adverse action against a Depart-
14 ment employee based solely on the refusal of such em-
15 ployee to receive a vaccine for COVID-19.

16 (c) REPORT.—Not later than 90 days after the date
17 of the enactment of this Act, the Secretary shall report
18 to the Committee on Homeland Security of the House of
19 Representatives and the Committee on Homeland Security
20 and Governmental Affairs of the Senate on the following:

21 (1) The number of Department employees who
22 were terminated or resigned due to the COVID-19
23 vaccine mandate.

24 (2) An estimate of the cost to reinstate such
25 employees.

1 (3) How the Department would effectuate rein-
2 statement of such employees.

3 (d) RETENTION AND DEVELOPMENT OF
4 UNVACCINATED EMPLOYEES.—The Secretary shall make
5 every effort to retain Department employees who are not
6 vaccinated against COVID–19 and provide such employees
7 with professional development, promotion and leadership
8 opportunities, and consideration equal to that of their
9 peers.

10 **SEC. 23. CBP ONE APP LIMITATION.**

11 (a) LIMITATION.—The Department may use the CBP
12 One Mobile Application or any other similar program, ap-
13 plication, internet-based portal, website, device, or initia-
14 tive only for inspection of perishable cargo.

15 (b) REPORT.—Not later than 60 days after the date
16 of the enactment of this section, the Commissioner shall
17 report to the Committee on Homeland Security of the
18 House of Representatives and the Committee on Home-
19 land Security and Governmental Affairs of the Senate the
20 date on which CBP began using CBP One to allow aliens
21 to schedule interviews at land ports of entry, how many
22 aliens have scheduled interviews at land ports of entry
23 using CBP One, the nationalities of such aliens, and the
24 stated final destinations of such aliens within the United
25 States, if any.

1 **SEC. 24. REPORT ON DESIGNATION OF MEXICAN CARTELS**
2 **AS FOREIGN TERRORIST ORGANIZATIONS.**

3 (a) REPORT.—

4 (1) IN GENERAL.—Not later than 60 days after
5 the date of the enactment of this Act, the Secretary
6 of Homeland Security, in coordination with the Sec-
7 retary of State, shall submit to the appropriate con-
8 gressional committees a report on whether a Mexi-
9 can drug cartel described in paragraph (2) meets the
10 criteria for designation as a foreign terrorist organi-
11 zation.

12 (2) MEXICAN DRUG CARTELS DESCRIBED.—The
13 Mexican drug cartels described in this paragraph in-
14 clude the following:

15 (A) Jalisco New Generation Cartel.

16 (B) Sinaloa Cartel.

17 (C) Juarez Cartel.

18 (D) Tijuana Cartel.

19 (E) Gulf Cartel.

20 (F) Los Zetas.

21 (G) Las Moicas.

22 (H) Los Caballeros Templarios.

23 (I) Beltran-Leyva Organization.

24 (J) Los Rojos.

25 (K) La Familia Michoacana.

26 (b) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Affairs, the
5 Committee on Homeland Security, and the
6 Committee on the Judiciary of the House of
7 Representatives; and

8 (B) the Committee on Foreign Relations,
9 the Committee on Homeland Security and Gov-
10 ernmental Affairs, and the Committee on the
11 Judiciary of the Senate.

12 (2) FOREIGN TERRORIST ORGANIZATION.—The
13 term “foreign terrorist organization” means an or-
14 ganization described in section 219 of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1189).

16 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to expand the eligibility for asylum
18 of any alien by reason of the designation of a drug cartel
19 as a foreign terrorist organization.

20 **SEC. 25. GAO STUDY ON COSTS INCURRED BY STATES TO**
21 **SECURE THE SOUTHWEST BORDER.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of the enactment of this Act, the Comptroller General
24 of the United States shall conduct a study to examine the
25 costs incurred by individual States as a result of actions

1 taken by such States in support of the Federal mission
2 to secure the southwest border, and the feasibility of a
3 program to reimburse such States for such costs.

4 (b) CONTENTS.—The study required under sub-
5 section (a) shall include consideration of the following:

6 (1) Actions taken by the Department of Home-
7 land Security that have contributed to costs de-
8 scribed in such subsection incurred by States to se-
9 cure the border in the absence of Federal action, in-
10 cluding the termination of the Migrant Protection
11 Protocols and cancellation of border wall construc-
12 tion.

13 (2) Actions taken by individual States along the
14 southwest border to secure their borders, and the
15 costs associated with such actions.

16 (3) The feasibility of a program within the De-
17 partment of Homeland Security to reimburse States
18 for the costs incurred in support of the Federal mis-
19 sion to secure the southwest border.

20 **SEC. 26. REPORT BY INSPECTOR GENERAL OF THE DE-**
21 **PARTMENT OF HOMELAND SECURITY.**

22 (a) REPORT.—Not later than one year after the date
23 of the enactment of this Act and annually thereafter for
24 five years, the Inspector General of the Department of
25 Homeland Security shall submit to the Committee on

1 Homeland Security of the House of Representatives and
2 the Committee on Homeland Security and Governmental
3 Affairs of the Senate a report examining the economic and
4 security impact of mass migration to municipalities and
5 States along the southwest border. Such report shall in-
6 clude information regarding costs incurred by the fol-
7 lowing:

8 (1) State and local law enforcement to secure
9 the southwest border.

10 (2) Public school districts to educate students
11 who are aliens unlawfully present in the United
12 States.

13 (3) Healthcare providers to provide care to
14 aliens unlawfully present in the United States who
15 have not paid for such care.

16 (4) Farmers and ranchers due to migration im-
17 pacts to their properties.

18 (b) CONSULTATION.—To produce the report required
19 under subsection (a), the Inspector General of the Depart-
20 ment of Homeland Security shall consult with the individ-
21 uals and representatives of the entities described in para-
22 graphs (1) through (4) of such subsection.

1 **SEC. 27. OFFSETTING AUTHORIZATIONS OF APPROPRIA-**
2 **TIONS.**

3 (a) OFFICE OF THE SECRETARY AND EMERGENCY
4 MANAGEMENT.—No funds are authorized to be appro-
5 priated for the Alternatives to Detention Case Manage-
6 ment Pilot Program or the Office of the Immigration De-
7 tention Ombudsman for the Office of the Secretary and
8 Emergency Management of the Department of Homeland
9 Security.

10 (b) MANAGEMENT DIRECTORATE.—No funds are au-
11 thorized to be appropriated for electric vehicles or St. Eliz-
12 abeths campus construction for the Management Direc-
13 torate of the Department of Homeland Security.

14 (c) INTELLIGENCE, ANALYSIS, AND SITUATIONAL
15 AWARENESS.—There is authorized to be appropriated
16 \$216,000,000 for Intelligence, Analysis, and Situational
17 Awareness of the Department of Homeland Security.

18 (d) U.S. CUSTOMS AND BORDER PROTECTION.—No
19 funds are authorized to be appropriated for the Shelter
20 Services Program for U.S. Customs and Border Protec-
21 tion.

22 **SEC. 28. REPORT TO CONGRESS ON FOREIGN TERRORIST**
23 **ORGANIZATIONS.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date of the enactment of this Act and annually thereafter
26 for five years, the Secretary of Homeland Security shall

1 submit to the Committee on Homeland Security of the
2 House of Representatives and the Committee on Home-
3 land Security and Governmental Affairs of the Senate an
4 assessment of foreign terrorist organizations attempting
5 to move their members or affiliates into the United States
6 through the southern, northern, or maritime border.

7 (b) DEFINITION.—The term “foreign terrorist orga-
8 nization” means an organization described in section 219
9 of the Immigration and Nationality Act (8 U.S.C. 1189).

10 **SEC. 29. ASSESSMENT BY INSPECTOR GENERAL OF THE DE-**
11 **PARTMENT OF HOMELAND SECURITY ON THE**
12 **MITIGATION OF UNMANNED AIRCRAFT SYS-**
13 **TEMS AT THE SOUTHWEST BORDER.**

14 Not later than 90 days after the date of the enact-
15 ment of this Act, the Inspector General of the Department
16 of Homeland Security shall submit to the Committee on
17 Homeland Security of the House of Representatives and
18 the Committee on Homeland Security and Governmental
19 Affairs of the Senate an assessment of U.S. Customs and
20 Border Protection’s ability to mitigate unmanned aircraft
21 systems at the southwest border. Such assessment shall
22 include information regarding any intervention between
23 January 1, 2021, and the date of the enactment of this
24 Act, by any Federal agency affecting in any manner U.S.

- 1 Customs and Border Protection's authority to so mitigate
- 2 such systems.

